
By: **Delegates Niemann, Hennessy, and Kelley**
Introduced and read first time: February 13, 2004
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2004

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Driving While License Refused, Suspended, Canceled, or**
3 **Revoked - ~~Penalty~~ Penalties**

4 FOR the purpose of ~~altering and consolidating certain provisions relating to driving a~~
5 ~~motor vehicle while a license or privilege to drive issued by this State or any~~
6 ~~other state is refused, suspended, canceled, or revoked; providing that in a~~
7 ~~certain prosecution certain records shall be prima facie evidence of certain facts;~~
8 ~~providing that the introduction of certain records does not preclude the~~
9 ~~introduction of certain other evidence;~~ altering certain penalties for certain
10 offenses relating to driving a motor vehicle while a license or privilege to drive
11 issued by this State or any other state has been refused, suspended, canceled, or
12 revoked; making certain technical corrections; and generally relating to driving
13 while a license or privilege to drive has been refused, suspended, canceled, or
14 revoked.

15 BY renumbering
16 Article - Transportation
17 Section 16-402(a)(24) through (29), respectively
18 to be Section 16-402(a)(25) through (30), respectively
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2003 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article - Transportation
23 Section 16-303 and 16-402(a)(11)
24 Annotated Code of Maryland

1 (2002 Replacement Volume and 2003 Supplement)

2 BY repealing and reenacting, with amendments,
 3 Article - Transportation
 4 Section ~~16-303, 16-404.1(b)(3) and (4), 16-404.1(b)(3)~~ and 27-101(c) and (h)
 5 Annotated Code of Maryland
 6 (2002 Replacement Volume and 2003 Supplement)

7 BY repealing
 8 Article - Transportation
 9 Section ~~16-402(a)(11) and (30)~~ 16-402(a)(30)
 10 Annotated Code of Maryland
 11 (2002 Replacement Volume and 2003 Supplement)

12 BY adding to
 13 Article - Transportation
 14 Section ~~16-402(a)(11)~~ (24) and 27-101(w)
 15 Annotated Code of Maryland
 16 (2002 Replacement Volume and 2003 Supplement)

17 ~~BY renumbering~~
 18 ~~Article - Transportation~~
 19 ~~Section 16-402(a)(31) through (37), respectively~~
 20 ~~to be Section 16-402(a)(30) through (36), respectively~~
 21 ~~Annotated Code of Maryland~~
 22 ~~(2002 Replacement Volume and 2003 Supplement)~~

23 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF~~
 24 ~~MARYLAND, That the Laws of Maryland read as follows:~~

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 26 MARYLAND, That Section(s) 16-402(a)(24) through (29), respectively, of Article -
 27 Transportation of the Annotated Code of Maryland be renumbered to be Section(s)
 28 16-402(a)(25) through (30), respectively.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 30 read as follows:

31 **Article - Transportation**

32 16-303.

33 (a) A person may not drive a motor vehicle on any highway or on any property
 34 specified in § 21-101.1 of this article while the person's license or privilege to drive is
 35 refused [in this State or any other state], ~~SUSPENDED, CANCELED, OR REVOKED IN~~
 36 ~~THIS STATE.~~

1 (b) {A person may not drive a motor vehicle on any highway or on any
2 property specified in § 21-101.1 of this article while the person's license or privilege to
3 drive is canceled in this State.

4 (c) A person may not drive a motor vehicle on any highway or on any property
5 specified in § 21-101.1 of this article while the person's license or privilege to drive is
6 suspended in this State.

7 (d) A person may not drive a motor vehicle on any highway or on any property
8 specified in § 21-101.1 of this article while the person's license or privilege to drive is
9 revoked in this State.

10 (e)‡ A person may not drive a motor vehicle on any highway or on any property
11 specified in § 21-101.1 of this article while the person's license issued by any other
12 state is ~~REFUSED, SUSPENDED,~~ canceled, ~~OR REVOKED.~~

13 {f) A person may not drive a motor vehicle on any highway or on any property
14 specified in § 21-101.1 of this article while the person's license issued by any other
15 state is suspended.

16 (g) A person may not drive a motor vehicle on any highway or on any property
17 specified in § 21-101.1 of this article while the person's license issued by any other
18 state is revoked.

19 (h) A person may not drive a motor vehicle on any highway or on any property
20 specified in § 21-101.1 of this article while the person's license or privilege to drive is
21 suspended under § 17-106, § 26-204, § 26-206, or § 27-103 of this article.

22 (i) (1) This subsection applies only to a person whose license or privilege to
23 drive is suspended under the traffic laws or regulations of another state for:

24 (i) Failure to comply with a notice to appear in a court of that state
25 contained in a traffic citation issued to the person; or

26 (ii) Failure to pay a fine for a violation of any traffic laws or
27 regulations of that state.

28 (2) A person may not drive a motor vehicle on any highway or on any
29 property specified in § 21-101.1 of this article while the person's license or privilege to
30 drive is suspended under the traffic laws or regulations of any other state as
31 described in paragraph (1) of this subsection.

32 (j) (1) Except as provided in paragraph (2) of this subsection, any individual
33 who violates a provision of this section shall be assessed the points as provided for in
34 § 16-402(a)(30) of this title.

35 (2) Any individual who violates a provision of subsection (h) or
36 subsection (i) of this section shall be assessed the points as provided for in § 16-402(a)
37 (11) of this title.‡

1 ~~(C) (1) IN ANY PROSECUTION UNDER THIS SECTION THE INTRODUCTION OF~~
 2 ~~THE OFFICIAL RECORDS OF THE ADMINISTRATION AS PROVIDED IN § 12-113 OF THIS~~
 3 ~~ARTICLE SHOWING A NOTATION IN THE RECORDS THAT NOTICE OF THE REFUSAL,~~
 4 ~~SUSPENSION, CANCELLATION, OR REVOCATION OF A DEFENDANT'S LICENSE OR~~
 5 ~~PRIVILEGE TO DRIVE WAS SENT TO THE LAST KNOWN ADDRESS OF THE DEFENDANT~~
 6 ~~SHALL BE PRIMA FACIE EVIDENCE THAT THE DEFENDANT KNOWS OR HAS REASON~~
 7 ~~TO KNOW THAT THE LICENSE OR PRIVILEGE TO DRIVE HAS BEEN REFUSED,~~
 8 ~~SUSPENDED, CANCELED, OR REVOKED IN THIS STATE OR ANY OTHER STATE.~~

9 ~~(2) THE INTRODUCTION OF EVIDENCE OF THE RECORDS OF THE~~
 10 ~~ADMINISTRATION MAY NOT LIMIT THE INTRODUCTION OF OTHER EVIDENCE~~
 11 ~~BEARING UPON WHETHER THE DEFENDANT KNOWS OR HAS REASON TO KNOW THAT~~
 12 ~~THE DEFENDANT'S LICENSE OR PRIVILEGE TO DRIVE HAS BEEN REFUSED,~~
 13 ~~SUSPENDED, CANCELED, OR REVOKED.~~

14 16-402.

15 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
 16 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of
 17 this State or of any local authority, points shall be assessed against the individual as
 18 of the date of violation and as follows:

19 ~~{(11) Driving after suspension of license under the provisions of § 17-106,~~
 20 ~~§ 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations~~
 21 ~~of another state as described in § 16-303(i) of this title 3 points}~~

22 ~~(11) DRIVING AFTER REFUSAL, SUSPENSION, CANCELLATION, OR~~
 23 ~~REVOCATION OF LICENSE, EXCEPT FOR SUSPENSIONS OF LICENSE UNDER THE~~
 24 ~~PROVISIONS OF § 17-106, § 26-204, § 26-206, OR § 27-103 OF THIS ARTICLE, OR THE~~
 25 ~~TRAFFIC LAWS OR REGULATIONS OF ANOTHER STATE FOR:~~

26 ~~(I) FAILURE TO COMPLY WITH A NOTICE TO APPEAR IN A COURT~~
 27 ~~OF THAT STATE CONTAINED IN A TRAFFIC CITATION ISSUED TO A PERSON; OR~~

28 ~~(H) FAILURE TO PAY A FINE FOR A VIOLATION OF ANY TRAFFIC~~
 29 ~~LAWS OR REGULATIONS OF THAT STATE..... 3 POINTS~~

30 ~~(24) DRIVING AFTER REFUSAL, SUSPENSION, CANCELLATION, OR~~
 31 ~~REVOCATION OF LICENSE EXCEPT FOR SUSPENSIONS OF LICENSE UNDER THE~~
 32 ~~PROVISIONS OF § 17-106, § 26-204, § 26-206, OR § 27-103 OF THIS ARTICLE, OR THE~~
 33 ~~TRAFFIC LAWS OR REGULATIONS OF ANOTHER STATE AS DESCRIBED IN § 16-303(I) OF~~
 34 ~~THIS TITLE 6 POINTS~~

35 [(30) Driving after refusal, suspension, cancellation, or revocation of
 36 license except for suspensions of license under the provisions of § 17-106, § 26-204, §
 37 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another
 38 state as described in § 16-303(i) of this title 12 points]

1 16-404.1.

2 (b) (3) An individual may be a participant if:

3 (i) The individual's license is suspended or revoked for a violation
4 of § 21-902(a), (b), or (c) of this article or an accumulation of points under §
5 ~~16-402(a)(24)~~ 16-402(A)(25) or ~~[(33)](32)~~ of this subtitle;

6 (ii) The individual is ordered to participate in the Program by a
7 court under § 27-107 of this article;

8 (iii) The individual's license has an alcohol restriction imposed
9 under § 16-113(b) or (g) of this title; or

10 (iv) The Administration modifies a suspension or issues a restricted
11 license to the individual under § 16-205.1(n)(2) or (4) of this title.

12 ~~(4) The Administration may:~~

13 ~~(i) Issue a restrictive license to an individual who is a participant
14 in the Program during the suspension period as provided under § 16-404(c)(3) of this
15 subtitle;~~

16 ~~(ii) Reinstate the driver's license of a participant whose license has
17 been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for an
18 accumulation of points under [~~§ 16-402(a)(33)] § 16-402(A)(32) of this subtitle for a
19 violation of § 21-902(a) of this article; and~~~~

20 ~~(iii) Notwithstanding any other provision of law, impose on a
21 participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this
22 subtitle in lieu of a license revocation for:~~

23 ~~1. A violation of § 21-902(a), (b), or (c) of this article; or~~

24 ~~2. An accumulation of points under [~~§ 16-402(a)(33)] §~~
25 ~~16-402(A)(32) of this subtitle for a violation of § 21-902(a) of this article.~~~~

26 27-101.

27 (c) Any person who is convicted of a violation of any of the provisions of the
28 following sections of this article is subject to a fine of not more than \$500 or
29 imprisonment for not more than 2 months or both:

30 (1) § 12-301(c), (d), (e), or (f) ("Special identification cards: Fraud and
31 misrepresentation prohibited");

32 (2) § 14-102 ("Taking or driving vehicle without consent of owner");

33 (3) § 14-104 ("Damaging or tampering with vehicle");

- 1 (4) § 14-107 ("Removed, falsified, or unauthorized identification number
2 or registration card or plate");
- 3 (5) § 14-110 ("Altered or forged documents and plates");
- 4 (6) § 15-312 ("Dealers: Prohibited acts - Vehicle sales transactions");
- 5 (7) § 15-313 ("Dealers: Prohibited acts - Advertising practices");
- 6 (8) § 15-314 ("Dealers: Prohibited acts - Violation of licensing laws");
- 7 (9) § 15-411 ("Vehicle salesmen: Prohibited acts");
- 8 (10) § 15-502(c) ("Storage of certain vehicles by unlicensed persons
9 prohibited");
- 10 (11) § 16-113(j) ("Violation of alcohol restriction ordered by a court");
- 11 (12) § 16-301 ("Unlawful application for or use of license");
- 12 (13) [§ 16-303(h) ("Licenses suspended under certain provisions of
13 Code");
- 14 (14) § 16-303(i) ("Licenses suspended under certain provisions of the
15 traffic laws or regulations of another state");
- 16 (15)] § 18-106 ("Unauthorized use of rented motor vehicle");
- 17 [(16)] (14) § 20-103 ("Driver to remain at scene - Accidents resulting only
18 in damage to attended vehicle or property");
- 19 [(17)] (15) § 20-104 ("Duty to give information and render aid");
- 20 [(18)] (16) § 20-105 ("Duty on striking unattended vehicle or other
21 property");
- 22 [(19)] (17) § 20-108 ("False reports prohibited");
- 23 [(20)] (18) § 21-206 ("Interference with traffic control devices or railroad
24 signs and signals");
- 25 [(21)] (19) As to a pedestrian in a marked crosswalk, § 21-502(a)
26 ("Pedestrians' right-of-way in crosswalks: In general");
- 27 [(22)] (20) As to another vehicle stopped at a marked crosswalk, §
28 21-502(c) ("Passing of vehicle stopped for pedestrian prohibited");
- 29 [(23)] (21) Except as provided in subsections (f) and (q) of this section, §
30 21-902(b) ("Driving while impaired by alcohol");

1 [(24)] (22) Except as provided in subsections (f) and (q) of this section, §
2 21-902(c) ("Driving while impaired by drugs or drugs and alcohol");

3 [(25)] (23) Except as provided in subsections (f) and (q) of this section, §
4 21-902(d) ("Driving while impaired by controlled dangerous substance");

5 [(26)] (24) § 21-902.1 ("Driving within 12 hours after arrest"); or

6 [(27)] (25) § 27-107(d), (e), (f), or (g) ("Prohibited acts - Ignition interlock
7 systems").

8 (h) Any person who is convicted of a violation of any of the provisions of §
9 15-502(a) of this article ("License required"), [§ 16-303(a), (b), (c), (d), (e), (f), or (g) of
10 this article ("Driving while license is canceled, suspended, refused, or revoked"),] §
11 17-107 of this article ("Prohibitions"), or § 17-110 of this article ("Providing false
12 evidence of required security") is subject to:

13 (1) For a first offense, a fine of not more than \$1,000, or imprisonment
14 for not more than 1 year, or both; and

15 (2) For any subsequent offense, a fine of not more than \$1,000, or
16 imprisonment for not more than 2 years, or both.

17 (W) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-303 OF THIS
18 ARTICLE IS SUBJECT TO:

19 (1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500, OR
20 IMPRISONMENT FOR NOT MORE THAN 60 DAYS, OR BOTH;

21 (2) FOR A SECOND OFFENSE, A FINE OF NOT MORE THAN \$1,000, OR
22 IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH; AND

23 (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN
24 \$2,000, OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH.

25 ~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s)~~
26 ~~16-402(a)(31) through (37), respectively, of Article Transportation of the Annotated~~
27 ~~Code of Maryland be renumbered to be Section(s) 16-402(a)(30) through (36),~~
28 ~~respectively.~~

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect October 1, 2004.

